

Remarks

By this Amendment, claims 1, 7, 10, 12, 16, 24-27, 40, 41 and 44 are amended, and claims 2, 21, 22, 42 and 43 are cancelled without prejudice or disclaimer. Claims 5, 6, 8, 9 and 28-38 were previously cancelled. Accordingly, after entry of this Amendment, claims 1, 3, 4, 7, 10-20, 23-27, 39-41 and 44 will be present in this application. Reconsideration in view of the above amendments and the following remarks is respectfully requested.

Applicant appreciates the indication that claim 27 is directed to allowable subject matter.

During a January 13, 2006, telephone conference, the Examiner agreed that the finality of the November 16, 2006, Office action should be withdrawn. The Examiner's recognition is appreciated.

Without responding to the merits of the restriction requirement, claims 42 and 43 have been cancelled without prejudice or disclaimer. Accordingly, claim 1 is the sole independent claim that remains pending.

Claim 1 has been amended to clarify that the compressed gas chamber is "for receiving substantially ambient air." Similarly, claim 1 has been amended to recite that the fluid from the fluid source is "substantially carbon dioxide fluid." Although Applicant does not agree with the Examiner that the recitation of "comprising carbon dioxide" meaningfully reads on air, claim 1 as amended makes clear that the compressed gas chamber is for receiving substantially ambient air, whereas the fluid from the fluid source is substantially carbon dioxide. Because of the amendments to claim 1, claims 2, 21 and 22 have been cancelled without prejudice or disclaimer.

Claims 7, 10, 12, 16, 24-27, 40, 41 and 44 have been amended for consistency with claim 1 to specify "substantially ambient air" and/or "substantially carbon dioxide."

Accordingly, Applicant respectfully submits that the pending claims are allowable because none of the prior art of record in this application discloses, teaches or suggests the features of claim 1. The dependent claims are allowable for at least the same reasons, as well as for the additional features recited therein.

For the sake of completeness, Applicant responds to the prior art rejections based on Goepfert as follows. As acknowledged in the Office action, Goepfert does not disclose any use of carbon dioxide fluid. Moreover, Geopfert lacks any disclosure or teaching of the claim 1 feature of "a fluid chamber connected to the back volume of the secondary cylinder." Contrary to the assertion in the Office action that Geopfert discloses a secondary cylinder 8 having a front and back volume, and the back volume is "fluidly connected to fluid cylinder 15," the "front volume" of that cylinder is not

"connected to the compressed gas chamber" as required by claim 1. Rather, the "front" portion of the low pressure cylinder 8 (to the right of the piston 9 in Fig. 9) does not appear to have a connection to any other chamber or passageway, and at most, may be vented to the atmosphere. It is improper for the Office action to assert that the cylinder 8 is the structure corresponding to both the "compressed gas chamber" and the "secondary cylinder connected to the compressed gas chamber."

Alternatively, if the "secondary cylinder" of claim 1 is considered to correspond to Geopfert's high pressure cylinder 10, then the "compressed gas chamber" can be read, for the sake of argument, as Geopfert's low pressure cylinder 8, and the "front volume" is connected to the compressed gas chamber 8 via the passage 14, the chamber 13, and the passage 15. But the pressurized gas in the low pressure cylinder 8 is not "directed through the barrel" in Geopfert, so the rejection also fails under this interpretation.

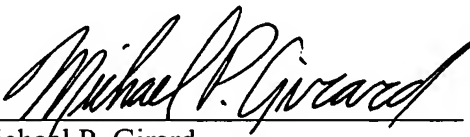
For at least these reasons, Applicant respectfully submits that the claims are allowable and that the prior art rejections should be withdrawn.

Based on the foregoing, the application should be in condition for allowance. Should the Examiner believe that anything further is necessary to place this application in better condition for allowance, the Examiner is invited to contact Applicant's representative.

Respectfully submitted,

KLARQUIST SPARKMAN, LLP

By


Michael P. Girard
Registration No. 38,467

One World Trade Center, Suite 1600
121 S.W. Salmon Street
Portland, Oregon 97204
Telephone: (503) 595-5300
Facsimile: (503) 228-9446